

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ALAN B. MARCUS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

§ Civil Action No. 6:13-cv-00736-RWS-KNM  
§ (Consolidated)  
§  
§ **CLASS ACTION**  
§  
§  
§  
§  
§

---

**ORDER APPROVING PLAN OF ALLOCATION**

This matter having come before the Court on December 5, 2017, on Plaintiffs' motion for approval of the Plan of Allocation of the Settlement proceeds in the above-captioned action; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

1. This Order incorporates by reference the definitions in the Settlement Agreement dated June 14, 2017 (the "Settlement Agreement"), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Settlement Agreement.
2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons who are Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are Class Members to be heard with respect to the Plan of Allocation.
3. The Court finds and concludes that the formula for the calculation of the claims of Authorized Claimants which is set forth in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice") sent to Class Members provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established by the Settlement Agreement among the Class Members, with due consideration having been given to administrative convenience and necessity.
4. This Court finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair and reasonable and the Court approves the Plan of Allocation.

**IT IS SO ORDERED.**

**SIGNED this 5th day of January, 2018.**

*Robert W. Schroeder* rw  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE